

THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In RE:)
)
Darius Lamont Otis and) Cause No. 18-07472-JJG-13
Marketa Jeaneen Otis,)
)
Debtors.)

AMENDED EMERGENCY MOTION FOR SANCTIONS AND RETURN OF 2008
CADILLAC CTS

Now comes, the debtors, by and through counsel, stating the following:

1. That Darius Otis filed for Chapter 13 bankruptcy relief on September 27, 2018 in the above captioned case.
2. That on June 29, 2018 Darius Otis purchased a 2008 Cadillac CTS from Scott's Auto Enterprise.
3. The debt was listed in Schedule D of the bankruptcy petition.
4. That the 2008 Cadillac CTS was part of the bankruptcy estate pursuant to 11 U.S.C 541.
5. That on several occasions Scott's Auto Enterprise was told by the debtors that they had filed bankruptcy.
6. The amended Chapter 13 plan proposes paying the entire claim of Scott's Auto Enterprise through the plan at 6%.
7. That on December 26, 2018 Scott's Auto Enterprise repossessed the debtor's 2008 Cadillac CTS in violation of the automatic stay provisions of 11 U.S.C 362(a).

8. That attorney for the debtor called Scott's Auto Enterprise on the afternoon of December 26, 2018 and asked if they had an attorney. He was told they did. He left them his phone number but no call from an attorney for Scott's Auto Enterprise has been received by debtor's counsel. Two calls to Scott's Auto Enterprise on December 27, 2018 went unanswered. A call on December 28, 2018 was answered but someone claiming to be the manager said that only the owner can contact the owner's lawyer and the owner is out of town and unavailable.

9. The debtor has suffered damages and continues to suffers damages because Scott's Auto Enterprise repossession of his 2008 Cadillac CTS. The debtor relies on the car for transportation to work and daily life.

WHEREFORE, the debtors request an order for the return of the 2008 Cadillac CTS, the appearance of the highest ranking officer of Scott's Auto Enterprise to appear in Court and show why Scott's Auto Enterprise should be held in contempt for the willful violation of the Automatic Stay, to award damages for their behavior, and to award attorney fees to debtor's attorney for bring this motion and to any other relief consistent with justice.

/s/ Thomas Rothe

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CERTIFICATE OF SERVICE

I, Thomas Rothe, certify that the attached pleading was served on the following parties either by the ECF system or first class US Mail with prepaid postage and return address showing on December 28, 2018:

U.S. Trustee by ECF system

John Hauber, chapter 13 trustee by ECF system

Scott's Auto Enterprise
3101 Shelby Street
Indianapolis, IN 46227

/s/ Thomas Rothe

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